IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No. 4485 OF 1998

Date:29.08.2007

BETWEEN:

J. Varaprasad Rao

…. PETITIONER

And

1. V. R. Law College, Nellore, rep. by its Secretary and Correspondent, and another.

…. RESPONDENTS

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the action of the respondents in not regularizing the services of the petitioner as Lecturer in Law as arbitrary and illegal and consequently direct the respondents to regularize the petitioner as Lecturer in Law from the date of his first appointment.

The case of the petitioner is that he belongs to B.C.-C category. He passed B.L. in the year 1985 from Sri Krishnadevaraya University, Anantapur, M.A. in Economics from Sri Venkateswara University and also passed M.L. degree in 1989. He was appointed by the first respondent-college as a Part-time Lecturer in Law on 01.03.1991 and was paid at the rate of Rs.20/- per period, and 18 periods per week. He was taking classes in Constitutional Law, International Law and Consumer Justice for III and V year students for day and evening shifts. Though he is named as Part-time Lecturer, he was discharging all the responsibilities and duties attached to the post on par with the regular Lecturers. He has also taking up free legal aid camps, prison visits and police station visits and thus he is an active member of the faculty. But he was not paid the scale attached to the post and for the last 13 months the first respondent has not paid the salary also. Hence he made several representations requesting for regularization of his services, but so far, the management has not taken any action in that regard. One Sri J.

Sudhakar Reddy, who was appointed as Part-time Lecturer, is being paid UGC scales from 1991 onwards, and he along with some other Lecturers filed W.P.No.5100 of 1986 for regularization of their services, wherein this Court by order dated 22.03.1991 directed regularization of their services. The said order has been implemented by the first respondent. It is his grievance that the petitioner was paid hourly basis, but that was also not paid for the last 13 months. Though the management has surplus funds, without any justification neither his services are regularized nor he was paid any salary.

A detailed counter affidavit has been filed by the first respondent-college stating that the petitioner, who is a practicing Advocate at Kavali, has been appointed as a part-time Lecturer since March 1991. His services were dispensed with during summer vacations, and he was again given orders as and when there is workload. It is well established practice through out the country to engage the services of practicing advocates on part time basis so as to utilize their experience from practical angle for the benefit of the students. No college contemplates the regularization of service of such persons at the time of their appointment on part time basis. Hence, the petitioner is not entitled to claim regularization of services and therefore he cannot seek any direction from this Court.

It appears, in view of the fact that the petitioner is not continuing in service, the learned counsel for the petitioner stressed only with regard to the payment of wages for the period he worked.

Under these circumstances, the Writ Petition is disposed of directing the respondents to pay the honorarium to the petitioner

as per his eligibility for the period, for which he worked with the college. However, this order shall not preclude the petitioner from claiming any benefits that may be accrued from the enquiry purported to have been conducted as to the affairs of the college and grant-in-aid by the Chief-Secretary to the Government of A.P. There shall be no order as to costs.

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(C.V. Ramulu, J.)

29th August, 2007
Js.